



CHAPTER XV.

Tried.

Two days before Bill Dale was tried in court at Carversville, the new Elizabeth Littleford alighted from an afternoon train at the Halfway switch. She was dressed in a smart and neat-looking suit of dark blue, with lacey cuffs and collar, and at her wrists; she wore a hat of dark blue relieved by a band of white. In one of her arms and well-shaped, gloved hands she carried a traveling bag of black leather.

A big and sunburned young man in brown and corduroys hastened to her. He raised his broad-brimmed hat, smiling, took the bag, and pressed her hand as though he was very glad to see her.

"But Dale?" she cried joyously above the roar of the passing train. "Bill Dale, is it?"

"Sure, it's me!" laughed Dale. "How good you look! I can hardly believe it's you."

"But it is," she smiled. "Tell me: what do you think the outcome of your trial is going to be?"

He noted that her English had improved, and it was gratifying to him. As for the trial—

"I don't know," he said. "But Major Bradley thinks I'll come clear. He believes that somebody that was indicted on the mountainside above us shot Ball to save me. By Heck I think that he's right. This was the case; and he believed that I would stand a better chance of acquittal than anybody else would stand, and that if I received a sentence the right man would come forward with a confession. I have an idea that by Heck himself killed Adam Ball—that is, if I didn't do it."

"And Dale Moreland—wasn't it fine for him to do what he done for you, Bill Dale? How are you getting along with the mine?"

"First rate," Dale answered, brightly at once. "We're shipping now. And we're getting a smashing price for every ounce of it."

"I see," said the young woman. "Ha! Well!"

"All of the boys and girls of the Morelands, except the very little ones, are in school at Carversville, and they're learning fast. When our borrowed capital is paid back, the Moreland families are going to buy farms lying near Carversville and to go to them. A big beautiful farm close to good schools and a good little town—well, there are worse places on earth. My papa David Moreland can't know about it."

"I see," said the young woman. "Ha! Well!"

"She long her head. She was thinking, as she had so often thought before, of her own benighted people."

"And the Littlefords?" she murmured. "It had slipped past her lips. Dale said the Morelands owed the Littlefords nothing."

Dale understood, and he gave her a sympathetic glance.

"A few of the boys and girls of the Littlefords are going to school in Carversville, perhaps one from each family," he told her. "It is rather expensive, you know, on account of the boarding, and they can't afford to send all their children. However, I think ultimately—your people will have their chance for education, too."

"But it won't do much good to educate one out of each family," said Elizabeth. "They'd come straight back here when they got through with their schooling, and soon forgot—I mean forgot—all of it. If they make their learning pay 'em anything, they'll have to stay where they can use it."

"She began to stare absently toward her well-washed feet."

"Are you ready to go?" Dale asked. Elizabeth Littleford raised her head with a slight jerk and said rather awkwardly:

"Has the valley changed much?"

"Not very much," answered Dale. "There's a new log church, where an old minister named Ashby Cross preaches the gospel of straight walking and human kindness every Sunday. Henderson Goff sent here any more, but he sent me his address in case we wanted to sell the mine! The Torreyes have gone back to Jerusalem Cove and Hatten's hill, and the Ballas are as quiet as mice. These, I believe, are all the changes worth mentioning."

Together they set out and walked, without saying much, to the crest of David Moreland's mountain, and there they halted. The autumn sun, a great red ball of fire, was just setting beyond the majestic Big Pine.

Dale pointed to a long, moss-covered slab of brown sandstone.

"Let's sit down there and rest," he suggested. "You're tired, Babe, I know. Don't mind my calling you 'Babe' do you?"

She looked at him as though she were surprised at his asking that. They sat down.

Bill Dale suddenly leaned toward her and took one of her hands; and he didn't take it as Jimmy Fayne had done—as though he were afraid of it. "You know I love you, don't you Babe?"

"I've been believing it," she told him after a moment of painful silence. She was a trifle pale now. "But it—Bill Dale, it somehow doesn't seem just right for you to love me. Because I'm such a poor little nobody. I'm as ignorant as sin; and I ain't—haven't even got good manners. But—but if you love, if you're sure you do, tell me why!"

There came another minute of painful silence.

"Because," said Dale, speaking slowly, "you have always seemed to be one of my own kind. You seem real, to me. I was so sick of artificialities in women that I loved you the moment I saw you. I know you are primitive, but I am primitive, too. And you weren't calling yourself 'Ma-am-mah' to a d—d puddle."

"Major Bradley," he went on, "feels sure that I will be acquitted. If it turns out like that, I want you to marry me at once. Tell me—will you, Babe?"

"Yes," she told him, in a voice that he barely heard.

"Then why won't you marry me?"

She didn't answer. She wouldn't answer.

"The day of the trial dawned clear, with the snap of autumn in the air. The courthouse was filled to its capacity within fifteen minutes after the doors were thrown open. Every man who had a rifle was forced to leave it behind with the sheriff's deputies; a company of the state militia was there, and each member of it had a hundred rounds of ball cartridges in his belt—the authorities were taking no chances.

Amid a breathless hush, the wheels of the law began to move. Caleb Moreland quickly told what he had to say, and backed it up with proof—he brought out a perfect alibi. The judge and the jury frowned and smiled in the same instant. Dale went forward and took his place. He pleaded "Not Guilty." A little later the state introduced its evidence and rested.

The counsel for the defense, patriotic and soldier-like, immaculate from his toes to the crown of his head, went eagerly to his feet. He had fully prepared himself, and he delivered his argument with an eloquent and forceful swing. It was plain that the jury was favorably impressed by the words of this man who these accepted a case unless he was absolutely sure that his client was in the right.

Major Bradley hinged his argument on the mysterious shot. If Dale's bullet had killed Adam Ball, would not Adam Ball have been shot squarely or at least nearly square from the front? As it was, the Goliath had been shot straight through the temple. That third shot had been fired by some hidden friend of Dale's, the major declared, and it had been done for the purpose of saving Dale's life. Ball had been in the act of playing a cowardly trick; he had killed a man in North Carolina by just such a trick—and he had boasted of it.

The attorney for the state made a rejoinder that almost favored the defendant. Then the court charged the jury, and the twelve good men retired.

The jury was out not more than twenty minutes, but to Elizabeth Littleford it was an age of torture.

The twelve men filed slowly in and faced the judge, who turned austere eyes upon them and asked:

"Gentlemen of the jury, have you reached a verdict?"

They had. Elizabeth Littleford's head swam as she bent forward to catch the foreman's words—

"Not guilty!"

A wild shout rose from the leathery throat of the happy By Heck. The Morelands and the Littlefords cheered until they were hoarse. Sheriff Tom Flowers had difficulty in quieting the tumult. Bill Dale shook hands until his shoulders ached. The Ballas and their relatives, bitter with resentment and hatred, stole out, were given their rifles, and went toward the big hills with the eye of the militia hard upon them.

Then the Morelands and the Littlefords and the Hecks, with Dale and his mining man Hayes, came out, and they, too, started for the big hills.

Dale had hired a horse and a side saddle for two rode in each other's company on the journey home. When they were well into the mountains, Dale drew his horse over close to that of his companion.

"As soon as I can build and furnish," he began, when Elizabeth interrupted:

"We're ridin' too fast. We're too much ahead of the others. One of them Ballas tried to pick you off with his rifle gun."

By Heck realized that he would have to be very cunning if he evaded the question now. Bill Dale, his god, would not be put off longer.

"Not much danger of that," Dale replied. "The Ballas have already been

warned about sniping; your father told them that their very name would be scouted off the earth if there was any sniping. Besides, By Heck is acting as advance guard somewhere ahead of us."

He continued, "As soon as I can build and furnish a little house out near the mine. I want you to marry me, Babe. Will you?"

Elizabeth Littleford seemed not to have heard.

"Will you, Babe?"

She faced him sadly. He saw in her hazel eyes the same queer light of tragedy that he had seen there a day or two before; and now, as then, he wondered what it could mean.

"Tell me, Babe?"

Her head fell forward. The sunlight found glints of gold in her thick chestnut-brown hair. She was silent for a moment; then her voice came dully:

"I'd better not marry you, Bill Dale. Dale sat up straight and rigid in his saddle and stared hard at her so comely beautiful profile. He could hardly believe that he had heard correctly. He knew she loved him. She told him that she loved him. Then why wouldn't she marry him? He tried to reason it out, and the attempt made his brain ache; he was unable to reason. He knew only that she was all of the future to him, all of the world to him, and—that she had refused to marry him.

When they were within two miles of home, Dale went suddenly white and caught her almost rudely by a wrist.

"Is it Jimmy Fayne?" he demanded hotly.

She gave him a reproachful glance and said nothing. He hung her hand from him angrily.

Dale did not speak again until they had entered the broad valley that was home to him. Somehow he felt limp now. The great wave of anger had passed.

"I guess you are too good for me," he said. There was weakness in his voice, and it was the first weakness she had ever known in him.

"Will you always think of me as the finest and most beautiful woman in the world?" she asked.

"Always."

"It's the best I can hope for," murmured Elizabeth.

"What do you mean?"

"It's the best I can hope for," Elizabeth repeated as though she were talking to herself.

They rode on in silence.

There was no sleep for Bill Dale that night. The sweetness of his liberty had all been taken away by Babe Littleford's refusal to marry him.

He had been exceedingly unfair to him; while she really loved him, she was going to marry Jimmy Fayne because he had so much money. She was ungrateful to him; it was through him that she was being educated, being lifted out of her uncouth and illiterate self and set on a higher social and intellectual plane. All he had ever heard of the so-called unfathomable mystery of womanhood he now believed, and more. All this, of course, was unworthy. But Bill Dale was intensely human, and to be human is to be unworthy.

It turned cold that night. A little before noon of the next day, By Heck stepped into the Moreland Coal company's office.

Dale looked wearily up from his littered desk.

"I am very much obliged to you for shooting Adam Ball, By."

"It's h—l, Bill, ain't it?"

"What?"

Heck leaned over and rested his knobby hands on the muzzle of the inevitable rifle.

"Whatever it is you're a-grievin' about, of course, Babe Littleford she went back to yore home town this mornin', Bill. Sort o' quare, I thought, 'at you never went with her over to the switch. Sort o' quare, too, 'at she never rid over on the little ingyne instid o' walkin'. But mebbe she was afeard o' gittin' her fine city clothes all smutted up. Say, Bill, old boy, I wish I may drop dead in my tracks if you don't look like a d—d corpse. I got it. It h—l to be h—l, or you wouldn't grieve about it. 'Smatter? Babe?"

Dale rose and glared at By Heck.

"I'm going to have the truth, By; now get that. Did you, or did you not, kill Adam Ball to save me?"

By Heck realized that he would have to be very cunning if he evaded the question now. Bill Dale, his god, would not be put off longer.

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Spokes Around The Hub

Clare Man a Suicide—John Was son of Clare, aged 26 years, committed suicide by shooting himself in the head with a shotgun. Financial troubles are assigned as the reason for the act.

Publish Contagious Cases—The board of supervisors of Midland county has been facing rapidly bills from contagious disease cases and as a means of curbing people who are able to pay their own way, they have decided to publish the names of such contagious cases and require county aid.

Gladwin Woman Killed—Mrs. Koshist of Gladwin was killed in an automobile collision near Rose. Her husband, who was driving one of the autos was badly hurt. She was 54 years of age.

Fork Tines in Leg—When a load of hay fell over on him, times of a fork entered the left leg of Will Stebbins, living near Charlotte, and went through almost to the thigh on the other side. He held to the horses which started to run, and in some way the fork worked out of the flesh before he brought the team to a stop.

Smith Club—St. Johns is all excited over a possible congressman in William Smith and has organized a William Smith for Congress Club, to aid the Public Utilities chairman in his campaign. Coleman C. Vaughn, former secretary of state, is chairman of the club. Vice presidents in every township in Clinton county. This week the organization is arranging for the appointment of women vice presidents in every precinct of the county.

Raise Assessment—The board of supervisors for Clinton County has heeded the assessment of the City of St. Johns to \$450,000.

Rocket Fires House—A sky rocket falling on the house of Fred Vauconant of St. Johns the night of July 4th, started a blaze on the roof, which necessitated the calling of the fire department. The fire was extinguished by chemicals and small damage was done.

Buy Store—Harold Millman and Marcus Putman have purchased the Curtis drug store in St. Johns.

Riverdale Chautauqua—The dates for the Riverdale Chautauqua have been set. The annual event will be held July 18, 19 and 20.

Fall is Fatal—Twelve year of Ella May Anderson, daughter of Mr. and Mrs. Charles Anderson, living west from Breckenridge, was fatally injured when she fell from a load of hay. She died about six hours later.

LEGAL NOTICES

STATE OF MICHIGAN—The Probate Court for the County of Gratiot.

At a session of said court, held at the Probate Office in the village of Ithaca, in said county, on the 10th day of July, A. D. 1922.

Present: Hon. James G. Kress, Judge of Probate.

In the matter of the estate of CHARLES H. CLARK, deceased.

Wellington Hayward having filed his petition, praying that an instrument filed in said court be admitted to Probate as the last will and testament of said deceased and that administration of said estate be granted to himself, as the executor named in said instrument, or some other suitable person.

It is ordered, that the 15th day of August, A. D. 1922, at ten o'clock in the forenoon, at said probate office, he and is hereby appointed for hearing said petition.

It is further ordered, that public notice thereof be given by publication of a copy of this order, once each week for three successive weeks previous to said day of hearing, in the Alma Record, a newspaper printed and circulated in said county.

Witness my hand and the seal of said court, this 10th day of July, 1922.

Present: Hon. James G. Kress, Probate Judge.

In the matter of the estate of SUSIE E. CHURCH, deceased.

The above estate having been admitted to Probate and Ida I. Huff appointed administratrix thereof.

It is ordered, that four months from this date be allowed for creditors to present their claims against said estate and that such claims will be heard by said court on Saturday, the 4th day of November, 1922, at ten o'clock in the forenoon.

It is further ordered, that public notice thereof be given by publication of this order for three successive weeks previous to said day of hearing, in the Alma Record, a newspaper printed and circulated in said county.

A true copy.

JAMES G. KRESS, Judge of Probate.

MILDRED E. TAFT, Register of Probate.

STATE OF MICHIGAN, The Probate Court for the County of Gratiot.

At a session of said court, held at the Probate Office in the village of Ithaca in said county, on the 14th day of June, A. D. 1922.

Present: Hon. James G. Kress, Judge of Probate.

In the matter of the estate of Frances S. Palmer, deceased, John D. Spinney, Executor of said estate, having filed in said court his final administration account, and his petition praying for the allowance thereof and for the settlement and distribution of the residue of said estate.

It is ordered, that the 17th day of July, A. D. 1922, at ten o'clock in the forenoon, at said probate office, he and is hereby appointed for examining and allowing said account and hearing said petition.

It is further ordered, that public notice thereof be given by publication of a copy of this order, for three successive weeks previous to said day of hearing, in the Alma Record, a newspaper printed and circulated in said county.

Witness my hand and the seal of said court, this 14th day of June, A. D. 1922.

Present: Hon. James G. Kress, Judge of Probate.

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